

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ALI OUALI and MARGARET OUALI, h/w	:	
	:	Civil Action No.
Plaintiffs	:	
	:	
v.	:	
	:	
SAFECO INSURANCE COMPANY	:	
Defendant	:	

NOTICE OF REMOVAL

Defendant American States Insurance Company¹ ("American States"), by its attorneys, Allison L. Krupp, Esquire and Marshall Dennehey, hereby gives notice of the removal of civil action, *Ali Ouali, et al. v. Safeco Insurance Company*, from the Court of Common Pleas of Delaware County, Pennsylvania, docketed at Case No. CV-2024-002492 to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446(b), and in support thereof, states the following:

1. This action was initiated by Plaintiffs Ali Ouali ("A. Ouali") and Margaret Ouali ("M. Ouali")(collectively, the "Oualis") by way of filing of a Complaint on March 19, 2024 in the Court of Common Pleas of Delaware County, Pennsylvania, docketed at Case No. CV-2024-002492, against American States, incorrectly identified as "Safeco Insurance Company". A true and correct copy of the Complaint is contemporaneously filed herewith as Exhibit 1.

2. American States was served with the Complaint on March 26, 2024.

3. Pursuant to the requirements of 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon or by American States are attached hereto and incorporated herein by reference.

¹ Incorrectly identified as "Safeco Insurance Company".

4. The Oualis are residents and citizens of Pennsylvania. Ex. 1 ¶¶ 1, 2.

5. American States is a corporation organized under the laws of the state of Indiana, with its principal place of business at 175 Berkeley Street, Boston, Massachusetts 02116.

6. Complete diversity of citizenship exists for the purposes of 28 U.S.C. § 1332 because Plaintiffs and Defendant are citizens of different states.

7. This Notice of Removal is timely, in accordance with 28 U.S.C. § 1446(b)(3).

8. In their Complaint, the Oualis purport to set forth three causes of action against American States: Count I – Uninsured Motorist Benefits, Count II – Bad Faith, and Count III (which is untitled but purports to set forth a loss of consortium claim). *See* Ex. 1.

9. The Oualis aver that, on September 14, 2022, A. Ouali was involved in a motor vehicle collision with another driver who subsequently left the scene; A. Ouali alleges injuries resulting from this accident. Ex. 1 ¶ 4.

10. The Oualis allege that A. Ouali was a named insured on an auto policy issued by American States, identified as Policy Number K3575732 which included coverage for, inter alia, uninsured motorist (“UM”) benefits (“American States Policy”). Ex. 1 ¶ 6.

11. The American States Policy provided coverage for non-stacked UM benefits up to \$100,000 each person.

12. Count I of their Complaint purports to set forth a cause of action for breach of contract arising from A. Ouali’s UM claim presented to American States.

13. Count II of their Complaint purports to set forth a cause of action for statutory bad faith, pursuant to 42 Pa. C.S.A. § 8371, arising from A. Ouali’s UM claim presented to American States.

14. With regard to Count II, A. Ouali seeks as damages, *inter alia*, interest, attorneys' fees, costs, and punitive damages.²

15. Count III of their Complaint purports to set forth a cause of action for loss of consortium on behalf of M. Ouali and deriving from A. Ouali's UM claim.

16. As to each Count, the Oualis request damages in excess of \$50,000.

17. The Oualis have, therefore, alleged a total amount in controversy, exclusive of interest and costs, in excess of the jurisdictional threshold of \$75,000.00, pursuant to 28 U.S.C. § 1332(a).

18. This Honorable Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship and the amount in controversy and, thus, removal is proper, pursuant to 28 U.S.C. § 1441.

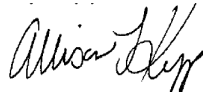
19. Contemporaneously with the filing of this Notice, and in accordance with 28 U.S.C. § 1446(d), a copy of this Notice has been served upon all other parties.

20. After filing with this Court and the assignment of a civil action number, notice of filing of this Notice of Removal will be filed with the Court of Common Pleas of Delaware County, Pennsylvania.

WHEREFORE, Defendant American States Insurance Company hereby notifies this Honorable Court that this action is removed from the Court of Common Pleas of Delaware County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.

² By outlining the allegations and requests for relief set forth in the Complaint, American States is not implying that the allegations are true, or that Plaintiffs are entitled to the damages alleged; it is merely outlining them for purposes of establishing that the amount in controversy requirement is met here.

MARSHALL DENNEHEY, P.C.



DATE: 04/24/2024

Allison L. Krupp, Esquire
Christopher W. Woodward, Esquire
200 Corporate Center Drive, Suite 300
Camp Hill, PA 17011
PH: (717)-651-3510/3708
FAX: (717)-651-3707
alkrupp@mdwcg.com/cwwoodward@mdwcg.com
Attorneys for Defendant American States Ins. Co.

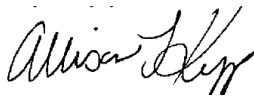
CERTIFICATE OF SERVICE

I, Allison L. Krupp, Esquire, do hereby certify that a true and correct copy of the foregoing was served upon the following via Electronic Filing System and Email on the date specified below:

Murray L. Greenfield, Esquire
Murray L. Greenfield & Associates
9636 Bustleton Avenue
Philadelphia, PA 19115
murraygreenfield@verizon.net
Attorney for Plaintiffs

MARSHALL DENNEHEY, P.C.

Dated: 04/24/2024



Allison L. Krupp, Esquire
Attorneys for Defendant